

NEWS RELEASE



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California Department of Justice
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Brown Urges Congress To Protect California's Motor Vehicle Greenhouse Gas Law

WASHINGTON D.C.—California Attorney General Edmund G. Brown Jr. today joined sixteen states in petitioning Congress to “back California’s fight against global warming,” and protect the state’s motor vehicle greenhouse gas emissions law from federal preemption.

In a letter sent a letter to Senate Majority Leader Harry Reid and House Speaker Nancy Pelosi, Brown urged Congress to “clearly and unambiguously protect the States’ existing authority to set new motor vehicle emission standards under the Clean Air Act.” Brown wrote the letter because influential members of Congress are threatening to change federal automobile fuel economy standards, and at the same time preempt California’s ability to set tailpipe restrictions on greenhouse gas emissions.

“Preemption of state tailpipe greenhouse gas emission standards would be a death blow to California’s pioneering effort to fight global warming,” Brown stated. “Congress should both improve fuel economy standards and back California’s fight against global warming through its tailpipe emissions standards—these goals are complementary.”

Attorney General Brown asked Congress to make sure that the Energy Bill did not undermine state authority to set tough greenhouse gas emissions standards. Brown suggested that the most direct way to protect California’s greenhouse gases would be to adopt the following provision: “Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act.”

Under the Clean Air Act, there are two sets of emissions standards for motor vehicles—those adopted by EPA and those adopted by California, which are approved by the EPA in a formal waiver process. In addition, there are also federal Corporate Average Fuel Economy (CAFE) standards set by National Highway Transportation Safety Association.

In response to California’s greenhouse gas emissions law, the automobile industry has brought suit against the state alleging that the law impermissibly establishes a “de facto” fuel economy standard, preempted by Congress. California vigorously asserts that its greenhouse gas emissions standards, set under Clean Air Act, are different from federal CAFE fuel economy standards and therefore not preempted. This view of the law was recently upheld by a federal district court in Vermont.

California’s motor vehicles greenhouse gas emissions standards, known as the Pavley regulations, require a 30 percent reduction in global warming emissions from vehicles by 2016, starting with model year 2009. Eleven other states have also adopted California’s emissions law and are—like California—awaiting EPA approval.

The Energy Bill is a federal effort to improve fuel efficiency and reduce dependency on foreign oil. Congress is currently working to reconcile House and Senate versions—HR 3221 and HR 6. A vote may take place next week.

Sixteen other states joined the attorney general's letter requesting protection from federal preemption: AZ, DE, CT, IL, IA, ME, MD, MA, MN, NJ, NM, OR, PA, RI, VT, and WA. Attorney General Brown's letter to Congress is attached.

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